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LETTER DATED 3 MARCH 2000 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon the instructions of my Government, I should like to refer to the letter dated 9 February 2000 of Ambassador Vladislav Jovanović of the Federal Republic of Yugoslavia addressed to you and the memorandum attached thereto, which purports to suggest that Prevlaka is an integral part of the Federal Republic of Yugoslavia. Given that the Federal Republic of Yugoslavia had already circulated a similar memorandum in July 1999 (S/1999/760), which I referred to in my earlier communication to the Security Council (S/1999/783 and Corr.1), I would refrain from responding to repetitive assertions as recycled in the memorandum of the Federal Republic of Yugoslavia of the later date.

The territorial pretensions of the Federal Republic of Yugoslavia over the Croatian peninsula of Prevlaka remain groundless; decontextualized and selective invocations of certain laws and regulations of our common predecessor State, while intended to create confusion, will certainly not help to justify such territorial pretensions. Similarly, recently fabricated maps, without reference to source, that demonstrate alleged Croatian borders are of no avail either. To dispel any further confusion, may I, once again, refer to well-documented materials that can be found on the home page of the Permanent Mission of the Republic of Croatia to the United Nations (undp.org/missions/croatia), which affirm where the international border between Croatia and the Federal Republic of Yugoslavia is extended. These and additional cartographic materials have already been made available to the Federal Republic of Yugoslavia.

Allow me only to indicate the contrariety in the interpretation of the extension of land border between Croatia and Montenegro, as offered by the highest authorities of the former Socialist Federal Republic of Yugoslavia and Montenegro and those of the Federal Republic of Yugoslavia, which is quite striking. Whilst the present regime in Belgrade wishes to interpret certain laws of the former Socialist Federal Republic of Yugoslavia and the Socialist Republic of Montenegro as evidence of Prevlaka belonging to Montenegro and the Federal Republic of Yugoslavia, the highest authorities of the Socialist Federal Republic of Yugoslavia and Montenegro, aware of the entirety of their laws and legal system, confirmed that Prevlaka was an integral part of Croatia when it was a federal unit of the Socialist Federal Republic of Yugoslavia, as well as now when it is an independent State.

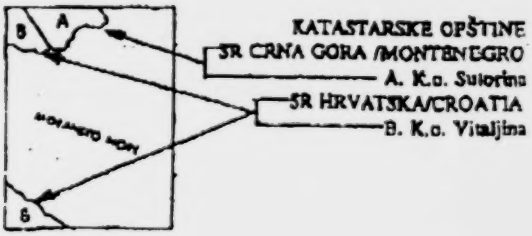
The aforesaid can be illustrated by two examples. Montenegro confirmed its existing border with Croatia, with Prevlaka as an integral part of Croatia, by its Parliament's conclusion of 7 October 1991 and by the letter of the President of the Montenegrin Parliament addressed to the President of Croatia's Parliament, whereby he proposed an initiative for a change of the existing border, and confirmed the non-existence of a border at sea.

At the federal level, the Presidency of the "Socialist Federal Republic of Yugoslavia" expressly confirmed in the document entitled "Position of the Presidency of the Socialist Federal Republic of Yugoslavia", dated 30 December 1991, that "... the peninsula of Prevlaka, which is now a part of the Republic of Croatia", [emphasis added], and called for "a prior adjustment of the administrative border between this Republic [Croatia] and Montenegro to make Prevlaka an integral part of Montenegro" [emphasis added], in the case of Croatia's independence. This request for changes of borders was primarily determined by security concerns stemming from a perception that "... the sovereignty of Yugoslavia, and of Montenegro, over a part of its territory, the Boka Kotorska Bay, would be threatened" if Prevlaka remained in Croatia.

In the past the authorities of the Federal Republic of Yugoslavia did recognize the existing border between Croatia and the Federal Republic of Yugoslavia in the area of Prevlaka, as evidenced by the agreements reached on 30 September 1992 and 20 October 1992, between the then Presidents of the two States, Tuđman and Ćosić. Following the withdrawal of the Yugoslav Army from Prevlaka, the then Prime Minister of the Federal Republic of Yugoslavia, Milan Panić, and Joint Chief of Staff of the Yugoslav Army, Života Panić, also confirmed the existing border. They signed a map of Prevlaka containing a clearly indicated existing border between the two States and then forwarded it, together with a cover letter embodying an explicit pledge to continue to honour this border, to the then Special Representative of the Secretary-General, Cyrus Vance, and General Satish Nambiar, Force Commander of the United Nations Protection Force (UNPROFOR) (S/1999/783, annex I).

The referenced map, as signed by the above-mentioned authorized representatives of the Federal Republic of Yugoslavia on 20 October 1992, is a clear reconfirmation of the "Basic State Map" representing the area of Herceg Novi-50-60Hp-Ja, issued by the Federal Geodetic Administration of the Socialist Federal Republic of Yugoslavia in 1970 (1:5,000, Titograd/Beograd). It is important to note the legend section that appears at the bottom right corner and reads as follows:

The northern part of Cape Kobila is marked A=C.M. Sutorina, the Socialist Republic of Montenegro. The southern part of Cape Kobila is marked B together with the land appertaining to the "Prevlaka" peninsula, C.M. Vitaljina, the Socialist Republic of Croatia.



Therefore, the basic facts are simple and readily available: when Croatia became independent in 1991, the well-known borders of the former Socialist Republic of Croatia within the former Socialist Federal Republic of Yugoslavia became the Republic of Croatia's internationally recognized frontiers. The relevant opinions of the European Union/United Nations International Conference on the Former Yugoslavia confirmed the aforesaid.

Subsequently, the present regime in Belgrade continued to propose a change to the existing border, but all their offers were rejected by the Croatian side. This refusal led to a shift in the approach of the Federal Republic of Yugoslavia towards Prevlaka. The new approach is demonstrated best by the recent replacement of the official map of the Federal Republic of Yugoslavia on the official web site of the Government of the Federal Republic of Yugoslavia, which, until last summer, when Croatia circulated it as the document of the Security Council (S/1999/783 and Corr.1), indicated the existing border between the two States, with Prevlaka within Croatian international borders, with a new map that now places Prevlaka within the borders of the Federal Republic of Yugoslavia. The latter is, indeed, an unique map of the area of Prevlaka, which does not exist anywhere else in the world.

Against this background, Croatia can only reiterate its readiness to fulfil its obligation under the agreements reached between the Presidents of the two States on 30 September 1992 (S/24476) and 20 October 1992 (A/47/572-S/24704), which obligated the parties to resolve the issue of "the overall security of Boka Kotorska and Dubrovnik" and to establish joint customs controls on the border, as well as the Agreement on Normalization of Relations between Croatia and the Federal Republic of Yugoslavia (S/1996/744), which requested the parties "to respect the existing security regime established during United Nations monitoring", until a permanent security solution is found. To that end, Croatia has already proposed an agreement on the permanent solution of the Prevlaka issue, which includes the demilitarization of Prevlaka area and delimitation at sea (S/1998/533). In this respect, Croatia notes the repeatedly expressed willingness of the Federal Republic of Yugoslavia to respect the opinions of the European Union/United Nations International Conference on the Former Yugoslavia and existing borders between the two States, and hopes that the Federal Republic of Yugoslavia will adhere to these opinions in practice.

I should like to request your kind assistance in distributing the present letter as a document of the Security Council.

(Signed) Ivan ŠIMONOVIĆ
Permanent Representative